

HOUSE BILL 1480

M3

0lr2501

By: **Prince George's County Delegation**

Introduced and read first time: March 1, 2010

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Stormwater Management – Construction Activities – State and Local**
3 **Governments**

4 **PG 430–10**

5 FOR the purpose of prohibiting the Department of the Environment from establishing
6 certain criteria and procedures for stormwater management for certain
7 construction activities of the State or a local government that are less stringent
8 than certain construction activities of the private sector; and generally relating
9 to stormwater management.

10 BY repealing and reenacting, with amendments,
11 Article – Environment
12 Section 4–203(b)
13 Annotated Code of Maryland
14 (2007 Replacement Volume and 2009 Supplement)

15 BY adding to
16 Article – Environment
17 Section 4–203(e)
18 Annotated Code of Maryland
19 (2007 Replacement Volume and 2009 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article – Environment**

23 4–203.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) [The] **SUBJECT TO SUBSECTION (E) OF THIS SECTION, THE**
2 Department shall adopt rules and regulations which establish criteria and procedures
3 for stormwater management in Maryland. The rules and regulations shall:

4 (1) Indicate that the primary goal of the State and local programs will
5 be to maintain after development, as nearly as possible, the predevelopment runoff
6 characteristics;

7 (2) Make allowance for the difference in hydrologic characteristics and
8 stormwater management needs of different parts of the State;

9 (3) Specify that watershed-wide analyses may be necessary to prevent
10 undesirable downstream effects of increased stormwater runoff;

11 (4) Specify the exemptions a county or municipality may grant from
12 the requirements of submitting a stormwater management plan;

13 (5) (i) Specify the minimum content of the local ordinances or the
14 rules and regulations of the affected county governing body to be adopted which may
15 be done by inclusion of a model ordinance or model rules and regulations; and

16 (ii) Establish regulations and a model ordinance that require:

17 1. The implementation of environmental site design to
18 the maximum extent practicable;

19 2. The review and modification, if necessary, of planning
20 and zoning or public works ordinances to remove impediments to environmental site
21 design implementation; and

22 3. A developer to demonstrate that:

23 A. Environmental site design has been implemented to
24 the maximum extent practicable; and

25 B. Standard best management practices have been used
26 only where absolutely necessary;

27 (6) Indicate that water quality practices may be required for any
28 redevelopment, even when predevelopment runoff characteristics are maintained;

29 (7) Specify the minimum requirements for inspection and
30 maintenance of stormwater practices;

31 (8) Specify all stormwater management plans shall be designed to:

32 (i) Prevent soil erosion from any development project;

1 (ii) Prevent, to the maximum extent practicable, an increase in
2 nonpoint pollution;

3 (iii) Maintain the integrity of stream channels for their biological
4 function, as well as for drainage;

5 (iv) Minimize pollutants in stormwater runoff from new
6 development and redevelopment in order to:

7 1. Restore, enhance and maintain the chemical,
8 physical, and biological integrity of the waters of the State;

9 2. Protect public health;

10 3. Safeguard fish and aquatic life and scenic and
11 ecological values; and

12 4. Enhance the domestic, municipal, recreational,
13 industrial, and other uses of water as specified by the Department;

14 (v) Protect public safety through the proper design and
15 operation of stormwater management facilities;

16 (vi) Maintain 100% of average annual predevelopment
17 groundwater recharge volume for the site;

18 (vii) Capture and treat stormwater runoff to remove pollutants
19 and enhance water quality;

20 (viii) Implement a channel protection strategy to reduce
21 downstream erosion in receiving streams; and

22 (ix) Implement quantity control strategies to prevent increases
23 in the frequency and magnitude of out-of-bank flooding from large, less frequent
24 storm events;

25 (9) (i) Establish a comprehensive process for approving grading
26 and sediment control plans and stormwater management plans; and

27 (ii) Specify that the comprehensive process established under
28 subparagraph (i) of this paragraph takes into account the cumulative impacts of both
29 plans.

30 **(E) THE DEPARTMENT MAY NOT ESTABLISH CRITERIA AND**
31 **PROCEDURES FOR STORMWATER MANAGEMENT FOR CONSTRUCTION**
32 **ACTIVITIES OF THE STATE OR A LOCAL GOVERNMENT THAT ARE LESS**

1 **STRINGENT THAN THE REQUIREMENTS FOR CONSTRUCTION ACTIVITIES OF THE**
2 **PRIVATE SECTOR.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2010.